

Message Text

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SUBJECT: FEB. 3-4 TCWP MEETING ON EXPORT CONTROLS

REF: OECD PARIS 28701

1. SECRETARIAT DOCUMENT TFD/TD/829 SUGGESTS FOLLOWING
TOPICS FOR DISCUSSION AT FEB. 3-4 MEETING:

A. FIRST PART OF TC MANDATE: IMPROVEMENT OF
ANALYSIS OF EXPORT CONTROL MEASURES. POSSIBILITIES
INCLUDE IMPROVEMENT OF EXISTING INVENTORY BY ASKING MEM-
BERS FOR MORE ELABORATE INFORMATION ON MEASURES TAKEN BY
THEMSELVES OR BY THIRD COUNTRIES. ANALYSIS MIGHT BE
IMPROVED BY COVERING WIDER RANGE OF MEASURES OR BY
MAKING IN-DEPTH STUDIES OF SELECTED MEASURES WITH
IMPORTANT TRADE IMPACT.

B. SECOND PART OF TC MANDATE: OPTIONS WITH A VIEW
TOWARD STRENGTHENING INTERNATIONAL COOPERATION. EXAMIN-
ATION OF TFD/TD/827 AS REGARDS GENERAL APPROACH AND
SPECIFIC PROBLEM AREAS IDENTIFIED.

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2. TFD/TD/827 ANALYZES TWO MAIN OPTIONS FOR STRENGTH-

ENING INTERNATIONAL COOPERATION: A) ESTABLISHING LEGAL BASIS FOR PROHIBITING EXPORT CONTROLS IN PRINCIPLE WITH APPROPRIATE EXCEPTIONS, AND B) ESTABLISHING AND APPLYING RULES FOR USE OF EXPORT CONTROLS. MAIN PROBLEM UNDER A) IS SEEN AS NEED TO CLASSIFY ACTIONS ACCORDING TO CIRCUMSTANCES AND MOTIVES. SECRETARIAT PROPOSES DIVIDING MOTIVES INTO TWO MAIN CATEGORIES, SHORT-TERM AND STRUCTURAL, AND SUGGESTS MEASURES TAKEN FOR STRUCTURAL REASONS COULD BE TREATED MUCH MORE SEVERELY THAN THOSE MOTIVATED BY SHORT-TERM CONSIDERATIONS. HOWEVER, PAPER SUGGESTS SEVERAL PRACTICAL DIFFICULTIES WITH THIS APPROACH AND COMES DOWN IN FAVOR OF B). THIS OPTION WOULD INVOLVE SETTING UP MECHANISM FOR COMPULSORY NOTIFICATION AND CONSULTATION REGARDING MEASURES TAKEN, PLUS PROCEDURES FOR "INTERNATIONAL ASSESSMENT" OF THE MEASURES AND INTERNATIONAL "ACCEPTANCE" OF THEM UPON COMPLIANCE BY COUNTRY TAKING ACTION WITH CERTAIN OBLIGATIONS. DISPUTE SETTLEMENT PROCEDURES ARE ALSO DISCUSSED.

3. COPIES OF SECRETARIAT DOCUMENTS WERE AIR MAILED TO BARRACLOUGH, EB/TA, JAN. 27. IF WASHINGTON REPRESENTATION NOT PLANNED FOR TCWP, MISSION WOULD APPRECIATE GUIDANCE ON DESIRABILITY OF FURTHER ANALYTICAL WORK AND ON US VIEW AS TO APPROPRIATE BALANCE OR MIXTURE BETWEEN RULES AND PROCEDURE AS MEANS OF IMPROVING INTERNATIONAL DISCIPLINE GOVERNING USE OF EXPORT CONTROLS.
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